

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks. The applicant extends their appreciation to Examiner Jones for her time and effort, and her courtesy, during the telephone interviews of December 7 and December 11, 2007. A Telephone Interview Summary accompanies this Amendment.

In this Amendment claims 1, 8, 15-16 and 19 are amended, and no claims are added or canceled. As a result, claims 1-20 remain pending in the application.

In the final Office Action of October 22, 2007, claims 1-20 are rejected under 35 U.S.C. §103(a) in view of the published International Application WO 92/22983 ("Browne") and further in view of the published U.S. Patent Application 2002/0066113 ("Utsunomiya").

35 U.S.C. §103 Rejection

The §103(a) rejection of claims 1-19 in view of the hypothetical combination of Browne and Utsunomiya is obviated by the present amendments to the claims.

The Gateway invention disclosed in this application pertains to the storage and distribution of programs recorded by a Personal Video Recorder (PVR). In various embodiments the PVR has a first memory and a network interface which are connected via a network to a second memory. Virtual storage management (VSM) logic (or other means) is used to track the location of the second memory on the network. The VSM can store a portion of a program P being recorded by the PVR in the second memory to avoid the situation in which the first memory does not have enough capacity for the program.

In the Browne/Utsunomiya §103(a) rejection the Office Action contends that optional storage section 104b of Browne is a second memory, as recited in the claims. However, the optional storage section 104b is a removable storage device, possibly a floppy disk within a disk drive or other such removable storage device. According to Browne, the optional storage section 104b with removable media that can be added or removed so that “users have control over the total amount of ‘on-line’ storage capacity of the multi-source recorder player 100.” While the ability of Browne’s system to control the amount of storage capacity may be advantageous, it is respectfully submitted that the location of this storage media—alleged to be the second memory—could be tracked since the second memory of the hypothetical combination is a removable disk. Moreover, it is respectfully submitted that the Browne / Utsunomiya hypothetical combination does not teach or suggest the features added by this Amendment, for example, “wherein the VSM logic is configured to track one or more logical addresses of the second memory on the network for storing a plurality of portions of the program P including said portion,” as recited in claim 1, or the similar features now recited in claims 8, 15 and 19.

Accordingly, as discussed during the telephone Interviews of December 7 and December 11, 2007, the Browne and Utsunomiya do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the rejection is requested.

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no extension of time is required for this filing, and the Request for Continued Examination (RCE) Transmittal filed with this Amendment attends to the necessary fees. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 970-6835 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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